

REMARKS

Claims 1-8 are all the claims pending in the application. Claim 1 is being amended, and claim 3 is being canceled.

I. Double Patenting Rejection

The Examiner provisionally rejected claim 1-8 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 11/012,206. The Applicant herein submits a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the provisional rejection.

II. Specification Amendments

The Examiner objected to the disclosure because of an embedded hyperlink. The Applicant herein submits a replacement paragraph that removes the hyperlink. The Applicant further amends the Specification to include appropriate section headers and correct minor typographical errors. No new matter is being added.

III. Claim Rejections – 35 USC § 102

The Examiner rejected claims 1-8 under 35 USC § 102(c) as being anticipated by Doverspike et al. (US 6,982,951).

Claim 1

The Applicant herein amends claim 1 to incorporate the elements of claim 3, by further reciting that the processing of all the collected parameter values is in the destination node. The Applicant submits that Doverspike does not disclose a method where the processing is done in

the destination node, and in fact discloses the opposite situation where the processing is carried out in the originating node. Specifically, Doverspike states: “At step 504, *the source node computes* the link weights and then computes the restoration path Pr...” *Doverspike*, col. 8, lines 12-14 (emphasis added). As Doverspike is designed to compute a restoration path, which travels from a *destination node* to a *source node*, the processing is computed at the originating node after the message from the destination node arrives at the source (originating node). Therefore, Doverspike teaches the opposite of the claimed invention and does not therefore teach method step of processing all the collected parameter values in the destination node.

In view of the amendment to claim 1, the Applicant submits that the grounds for the previous rejection under 35 USC §102(e) are moot. Further, the Applicant submits that the remaining dependent claims 2-8 are allowable at least based on their dependency to claim 1.

Claim 4 and 6

The Applicant further submits that Doverspike does not disclose the elements of parameters taking account of transparency constraints (claim 4) or quality of service constraints (claim 6). The Examiner cites generally to the concept of “link weights” in Doverspike as disclosing the use of transparency constraints and quality of service constraints, but a careful review of Doverspike reveals that “link weights” are limited to capacity sharing aspects. Specifically, Doverspike states: “When computing the restoration path, each link in the network must be *weighted to reflect capacity sharing aspects*.” *Doverspike*, col. 7, lines 9-11 (emphasis added). Doverspike is silent on the use of any other parameter to account for, and does not discuss transparency constraints of quality of service constraints.

Therefore, the Applicant submits that Doverspike does not anticipate the subject matter of claims 4 and 6, and respectfully requests that the rejection under 35 USC §102(e) be withdrawn.

The Applicant additionally submits claims 4 and 6 are allowable at least based on their dependency to claim 1.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

SUGHRUE MION, PLLC
Telephone: (619) 238-3545
Facsimile: (619) 238-4931

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Scott H. Davison
Registration No. 52,800

Date: February 4, 2008